

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response

REMARKS

Claims 1-3, 5, 7, 11-13, 17-23 and 25-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,765,875 to Rowley. The Examiner's rejections are respectfully traversed.

The Rowley reference discloses a child identification system including a plurality of sheets 34 bound together in a notebook, wherein each sheet 34 includes a number of pockets 46 for receiving identification tags 56. Each sheet further includes an information cell 54 for receiving an identification sheet 66, as shown in Fig. 5. The identification sheet 66 includes a number of identification zones 68 positioned to align with the pockets 46. Fig. 11 illustrates a carrier sleeve 83 for storing a display card 82, wherein the display card 82 is intended to be positioned in the window of an automobile.

In contrast, the present application provides a unique system for carrying, supplying and/or storing index cards.

The disclosure of the Rowley reference fails to anticipate the index card storage system claimed in the present application. The claims of the present application require, among other things, a storage sheet, a supply sheet and a binding mechanism for binding the storage sheet to the supply sheet. However, it is submitted that neither the text nor the drawings of the Rowley reference teach, or even suggest, such a system.

The Examiner refers to Fig. 11 and the identification tags 56 to support the position that the Rowley reference teaches "at least one supply sheet having at least one index card detachable therefrom." Office action, p.2. However, the claims of the present application require a "supply sheet having at least one index card *formed therein and detachable therefrom.*" See claims 1, 19 and 29 (emphasis added). The Rowley reference does not teach such a supply sheet.

Applicants submit that Fig. 11 and the identification tags 56 do not teach a supply sheet having an index card detachable therefrom. Index cards are well known in the art and therefore should not be confused with the tags 56 and carrier sleeve 83/display card 82 described in the Rowley reference.

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response

Furthermore, the Examiner has failed to identify any portion of the Rowley reference that teaches or suggests a supply sheet having index cards detachable therefrom. The Examiner merely states that the supply sheet supposedly taught by the Rowley reference includes index cards detachable therefrom, without specifying how the Examiner reached such a conclusion. Upon careful review of the Rowley reference, Applicants were unable to identify any portion of the disclosure that teaches an index card being detachable from a supply sheet, as described in the present application.

Additionally, the Examiner appears to have ignored the express limitation requiring that the index card be “formed” in the supply sheet.

Anticipation is established only if each and every limitation of a patent claim identically appears in a single prior art reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997). Inasmuch as the Rowley reference fails to teach or suggest a supply sheet having, among other things, an index card formed therein and detachable therefrom, it is the Applicants position that the Rowley reference cannot, as a matter of law, anticipate the pending claims of the present application.

It should also be noted that at p. 3, ¶ 6 of the Office action the Examiner states that “Rowley does not however disclose including at least one supply sheet having at least one index card formed therein and detachable therefrom.” Thus, the Examiner admits that the Rowley reference does not teach a supply sheet as claimed by the present application and therefore the Examiner erred in rejecting claims 1-3, 5, 7, 11-13, 17-23 and 25-29 under § 102(b) in view of the Rowley reference.

Claims 1-7 and 11-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rowley reference in view of U.S. Patent No. 6,116,650 to Nijboer et al.

As shown in Fig. 1, the Nijboer et al. reference discloses a record pad including a plurality of sheets 2 bound together by a binding element 10. Each sheet includes three message sheets 3 separated by perforations 5. In contrast, the Nijboer et al. reference does not disclose a storage system including, among other things, a storage sheet, a supply sheet and a binding

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response

mechanism for binding the storage sheet to the supply sheet.

The Examiner argues that the Rowley reference discloses a storage sheet and a binding mechanism, *see* Office action, p. 3, and the Nijboer et al. reference discloses a supply sheet, *see* Office action, p. 4, and therefore it would have been obvious to one skilled in the art to use the supply sheet (i.e., the detachable message sheets) taught by the Nijboer et al. reference with the child identification system taught by the Rowley reference.

The Examiner's rejections under § 103(a) are respectfully traversed. The Examiner has failed to identify any portion of the Rowley and/or Nijboer et al. references that would motivate one skilled in the art to modify the child identification system to include pages of detachable message sheets.

In particular, the Office action does not include any argument or citation that supports the Examiner's position that the storage system of the present invention is obvious in view of the Rowley and Nijboer et al. references. Rather, the Examiner merely asserts obviousness without any corresponding support. Applicants submit that no such support may be found in either the Rowley or the Nijboer et al. references.

Furthermore, Applicants submit that those skilled in the art would not look to references directed to record/message pads when seeking to develop a child identification system. Likewise, those skilled in the art would not look to a child identification system when seeking to develop a record pad. To that extend, Applicants submit that the Rowley reference is non-analogous art with respect to the storage system claim by the present application and therefore should not form the basis of an obviousness rejection under § 103(a).

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Rowley reference in view of the Nijboer et al. reference and further in view of U.S. Patent No. 3,720,304 to Laugherty et al. For reasons expressed above, the Examiner's rejections of claims 8-10 are respectfully traversed.

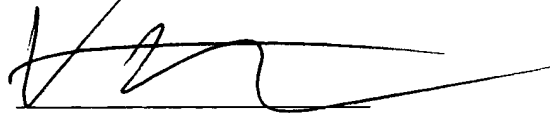
In light of the foregoing, the Examiner's rejections of claims 1-29 are respectfully traversed. It is submitted that the application is in condition for allowance and formal notice

Serial No. 10/803,748
Attorney Docket No. 100041-41199
Response

thereof is respectfully requested.

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor J. Wasylyna', written over a horizontal line.

Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6812

408111.1